

5090. Adulteration and misbranding of beans. U. S. * * * v. 100 Bags of Dry Beans * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7318. I. S. No. 12907-1. S. No. C-474.)

On April 17, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 bags of dry beans of 180 pounds each, remaining unsold in the original unbroken packages at Elyria, Ohio, alleging that the article had been shipped on or about March 13, 1916, by George L. Jessup, Pompeii, Mich., and transported from the State of Michigan into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part on tags attached to said bags: "* * * From Geo. L. Jessup. Dealer in all kinds of Hay Grain, Seeds, Lumber, Cement, Lime, Salt and Wool. Pompeii, Michigan."

Adulteration of [the] article was alleged in the libel for the reason that it consisted in part of decomposed vegetable matter, the presence of which renders the same a filthy and decomposed vegetable substance, unfit for food or as an ingredient of food.

Misbranding was alleged for the reason that said package did not bear any statement whatsoever in terms of weight or measure of the contents.

On September 1, 1916, the said George L. Jessup, claimant, having filed his answer admitting the allegations contained in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that said article should not be re-shipped in interstate commerce, nor sold or disposed of, unless properly labeled to show the true character and condition of said article.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*